

Hearing Date: Thursday, September 11, 2014 at 10:00 a.m.
Objections Due: July 28, 2014

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Counsel for Plaintiffs, Lehman Brothers Holdings Inc., et al.

-and-

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Counsel for Plaintiff Intervenor, the Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	X
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	:	
Debtors.	:	
LEHMAN BROTHERS HOLDINGS INC., LEHMAN BROTHERS SPECIAL FINANCING INC., LEHMAN BROTHERS COMMODITY SERVICES INC., LEHMAN BROTHERS COMMERCIAL CORP., and OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF LEHMAN BROTHERS HOLDINGS INC.,	:	X
Plaintiffs and Plaintiff Intervenor,	:	
-against-	:	
CITIBANK, N.A., CITIGROUP GLOBAL MARKETS LTD., CITIGROUP FINANCIAL PRODUCTS INC., CITIGROUP ENERGY INC., CITI CANYON LTD., and CITI SWAPCO INC., FYI LTD., FFI FUND LTD., and OLIFANT FUND, LTD.,	:	SECOND AMENDED NOTICE OF PLAINTIFFS' MOTION, PURSUANT TO FED. R. CIV. P. 56(a), FOR PARTIAL SUMMARY JUDGMENT ON COUNT 16 OF SECOND AMENDED COMPLAINT AND DISALLOWING AND EXPUNGING CLAIMS OF CITIBANK, N.A. AGAINST LBHI FOR INTEREST AND FEES UNDER 11 U.S.C. §§ 502, 506 AND 553
Defendants and Defendant Intervenors.	:	

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, the accompanying Statement of Undisputed Facts, the accompanying Declaration of Lindsay Weber, and all pleadings and proceedings heretofore had before this Court, Plaintiffs and Plaintiff Intervenor Lehman Brothers Holdings Inc. (“LBHI”), Lehman Brothers Special Financing Inc. (“LBSF”), Lehman Brothers Commodity Services Inc. (“LBCS”), Lehman Brothers Commercial Corp. (“LBCC”) and the Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc., et al., by their undersigned counsel, will move before the Honorable Shelley C. Chapman of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 on **September 11, 2014 at 10:00 a.m. (ET)**, or such other time as determined by the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure (the “Federal Rules”), made applicable to the above-captioned Adversary Proceeding pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure, and Rule 7056-1 of the Local Bankruptcy Rules for the Southern District of New York, for the entry of an Order (i) granting partial summary judgment with respect to the relief requested in Count 16 of Plaintiffs’ Second Amended Complaint And Claims Objection disallowing and expunging claims asserted by Citibank, N.A. (“Citibank”) against LBHI for post-petition interest, costs, and fees pursuant to sections 502(b), 506, and 553 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”); (ii) in the alternative, disallowing and expunging claims asserted by Citibank against LBHI for post-confirmation interest, costs, and fees pursuant to sections 502(b), 506, 553 and 1142(a) of the Bankruptcy Code; and (iii) granting such other and further relief as the Court deems just and proper (hereinafter, the “Motion”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must be in writing, must conform to the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Rules of the Bankruptcy Court for the Southern District of New York, must set forth the name of the objecting party, the basis for the objection and the specific grounds

therefore, and must be filed with the Bankruptcy Court, by no later than July 28, 2014, electronically in accordance with General Order M-242 (General Order M-242 and the User's Manual for the Electronic Case Filing System may be found at www.nysb.uscourts.gov, the official website for the Bankruptcy Court) by registered users of the Bankruptcy Court's case filing system, and by all other parties in interest on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with a hard copy hand delivered directly to the Chambers of the Honorable Shelley C. Chapman at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, Courtroom 623, New York, New York 10004), in accordance with General Order M-242, and any objection must further be served upon (i) Curtis Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, New York 10178, Attn: Turner P. Smith, Esq. and Peter J. Behmke, Esq., attorneys for Lehman Plaintiffs; (ii) Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22nd Floor, New York, New York 10010, Attn: Susheel Kirpalani, Esq. and James C. Tecce, Esq., attorneys for Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc., et al.; (iii) Paul Weiss Rifkind Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019, Attn: Stephen J. Shimshak, Esq. and Claudia Hammerman, Esq., attorneys for the Citibank Defendants; and (iv) those parties who have filed notices of appearance in these cases.

PLEASE TAKE FURTHER NOTICE that Plaintiffs will file their reply in further support of the Motion and in response to objections thereto (if any) no later than August 27, 2014.

PLEASE TAKE FURTHER NOTICE that a hearing will be held with respect to the Motion and any objections, responses, or replies relating thereto before the Honorable Shelley C. Chapman at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, Courtroom 623, New York, New York 10004, on **Thursday, September 11, 2014 at 10:00 a.m. (ET).**

Dated: June 18, 2014
New York, New York

Respectfully submitted,

**CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP**

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